DOCUMENT RESUME

ED 077 313 HE 003 999

TITLE	Uniformed Services University of the Health Sciences and Armed Forces Health Professions Scholarship Program. Public Law 92-426-92nd Congress H. R. 2.
INSTITUTION	Congress of the U.S., Washington, D.C.
PUB DATE	21 Sep 72
NOTE	6p.
EDRS PRICE	MF-$0.65 HC-$3.29
DESCRIPTORS	Educational Legislation; Federal Legislation; *Health Education; *Higher Education; *Medical Education; *Medical Schools; Military Personnel; *Military Schools; Military Service

ABSTRACT

This document reviews Public Law 92-426 an Act establishing a Uniformed Services University of the Health Sciences and providing scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes. Chapter 104 describes various aspects of the university; establishment; board of regents; student selection, status and obligation; graduates and limitations on numbers electing to perform civilian Federal duty; reports to Congress; and authorization for appropriations. Chapter 105 reviews the Armed Forces Health Professions Scholarship Program. Sections cover definitions; establishment; eligibility for participation; members of the program, active duty obligation, failure to complete training, and release from the program; members of the program, numbers appointed, exclusion from authorized strengths, and service credit; and contracts for scholarship and payment. (MJM)

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Public Law 92-426
92nd Congress H. R. 2
September 21, 1972

An Act

To establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniformed Services Health Professions Revitalization Act of 1972".

Uniformed Services Health Professions Revitalization Act of 1972.
86 Stat. 1064.
10 USC 2101.

SEC. 2. (a) Title 10, United States Code, is amended by adding the following new chapters after chapter 103:

"Chapter 104.—UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

"Sec.
"2112. Establishment.
"2113. Board of regents.
"2114. Students: selection; status; obligation.
"2115. Graduates: limitation on number electing to perform civilian Federal duty.
"2116. Reports to Congress.
"2117. Authorization for appropriations.

"§ 2112. Establishment

"(a) There is hereby authorized to be established within 25 miles of the District of Columbia a Uniformed Services University of the Health Sciences (hereinafter referred to as the 'University'), at a site or sites to be selected by the Secretary of Defense, with authority to grant appropriate advanced degrees. It shall be so organized as to graduate not less than 100 medical students annually, with the first class graduating not later than 10 years after the date of the enactment of this chapter. 86 STAT. 713
86 STAT. 714

"(b) Except as provided in subsection (a), the numbers of persons to be graduated from the University shall be prescribed by the Secretary of Defense.

"(c) The development of the University may be by such phases as the Secretary of Defense may prescribe, subject to the requirements of subsection (a).

"§ 2113. Board of Regents

"(a) The business of the University shall be conducted by a Board of Regents (hereinafter referred to as the 'Board') with funds appropriated for and provided by the Department of Defense. The Board shall consist of— Membership.

"(1) nine persons outstanding in the fields of health and health education who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate;

"(2) the Secretary of Defense, or his designee, who shall be an ex officio member;

"(3) the surgeons general of the uniformed services, who shall be ex officio members; and

"(4) the person referred to in subsection (d).

"(b) The term of office of each member of the Board (other than ex officio members) shall be six years except that— Terms.

"(1) any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(2) the terms of office of the members first taking office shall expire, as designated by the President at the time of the appointment, three at the end of two years, three at the end of four years, and three at the end of six years.

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Chairman.

"(c) One of the members of the Board (other than an ex officio member) shall be designated by the President as Chairman. He shall be the presiding officer of the Board.

Dean.

"(d) The Board shall appoint a Dean of the University (hereinafter referred to as the 'Dean') who shall also serve as a nonvoting ex officio member of the Board.

Compensation.

"(e) Members of the Board (other than ex officio members) while attending conferences or meetings or while otherwise performing their duties as members shall be entitled to receive compensation at a rate to be fixed by the Secretary of Defense, but not exceeding $100 per diem and shall also be entitled to receive an allowance for necessary travel expenses while so serving away from their place of residence.

"(f) The Board, after considering the recommendations of the Dean, shall obtain the services of such military and civilian professors, instructors, and administrative and other employees as may be necessary to operate the University. Civilian members of the faculty and staff shall be employed under salary schedules and granted retirement and other related benefits prescribed by the Secretary of Defense so as to place the employees of the University on a comparable basis with the employees of fully accredited schools of the health professions within the vicinity of the District of Columbia. The Board may confer academic titles, as appropriate, upon military and civilian members of the faculty. The military members of the faculty shall include a professor of military, naval, or air science as the Board may determine.

86 STAT. 714

86 STAT. 715

Federal medical resources, utilization agreements.

"(g) The Board is authorized to negotiate agreements with agencies of the Federal Government to utilize on a reimbursable basis appropriate existing Federal medical resources located in or near the District of Columbia. Under such agreements the facilities concerned will retain their identities and basic missions. The Board is also authorized to negotiate affiliation agreements with an accredited university or universities in or near the District of Columbia. Such agreements may include provisions for payments for educational services provided students participating in Department of Defense educational programs. The Board may also, subject to the approval of the Secretary of Defense, enter into an agreement under which the University would become part of a national university of health sciences should such an institution be established in the vicinity of the District of Columbia.

Certain institutes and programs, establishment.

"(h) The Board may establish postdoctoral, postgraduate, and technological institutes.

Continuing medical education programs.

"(i) The Board shall also establish programs in continuing medical education for military members of the health professions to the end that high standards of health care may be maintained within the military medical services.

"§ 2114. Students: selection; status; obligation

"(a) Students at the University shall be selected under procedures prescribed by the Secretary of Defense. In so prescribing, the Secretary shall consider the recommendations of the Board. However, selection procedures prescribed by the Secretary of Defense shall emphasize the basic requirement that students demonstrate sincere motivation and dedication to a career in the uniformed services (as defined in section 1072(1) of this title).

72 Stat. 1446; 80 Stat. 1117.

"(b) Students shall be commissioned officers of a uniform service as determined under regulations prescribed by the Secretary of Defense after consulting with the Secretary of Health, Education, and Welfare. Notwithstanding any other provision of law, they shall serve on active duty in pay grade O-1 with full pay and allowances of that grade, but shall not be counted against any prescribed military strengths. Upon graduation they shall be appointed in a regular component, if qualified, unless they are covered by section 2115 of this title.

37 USC 203 note.

Students who graduate shall be required, except as provided in section 2115 of this title, to serve thereafter on active duty under such regulations as the Secretary of Defense or the Secretary of Health, Education, and Welfare, as appropriate, may prescribe for not less than seven years, unless sooner released. The service credit exclusions specified in section 2126 of this title shall apply to students covered by this section.

Infra.

Post, p. 718.

"(c) A period of time spent in military intern or residency training shall not be creditable in satisfying an active duty obligation imposed by this section.

86 STAT. 715
86 STAT. 716

"(d) A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by this section. In no case shall any such member be required to serve on active duty for any period in excess of a period equal to the period he participated in the program, except that in no case may any such member be required to serve on active duty less than one year.

"§ 2115. Graduates: limitation on number electing to perform civilian Federal duty

"Not more than 20 percent of the graduates of any one class at the University may agree in writing to perform civilian Federal duty for not less than seven years following the completion of their professional education in lieu of active duty in a uniformed service. Such persons shall be released from active duty upon the completion of their professional education. The location and type of their duty shall be determined by the Secretary of Defense after consultation with the heads of Federal agencies concerned.

"§ 2116. Reports to Congress

"The Secretary of Defense shall report periodically to the Committees on Armed Services of the Senate and House of Representatives on the feasibility of establishing educational institutions similar or identical to the University at any other locations he deems appropriate. The last such report shall be submitted by June 30, 1976.

Report to congressional committees.

"§ 2117. Authorization for appropriations

"There is hereby authorized to be appropriated to the Department of Defense for the planning, construction, development, improvement, operation, and maintenance of the University, and to otherwise accomplish the purposes of this title, for the fiscal year beginning July 1, 1972, the sum of $15,000,000, and for each fiscal year thereafter such sum as may be authorized in the annual military construction authorization Act for such year.

"Chapter 105.—ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

"Sec.
"2120. Definitions.
"2121. Establishment.
"2122. Eligibility for participation.
"2123. Members of the program; active duty obligation; failure to complete training; release from program.
"2124. Members of the program; numbers appointed.
"2125. Members of the program; exclusion from authorized strengths.
"2126. Members of the program; service credit.
"2127. Contracts for scholarships; payments.

"§ 2120. Definitions

"In this chapter—

"(1) 'Program' means the Armed Forces Health Professions Scholarship program provided for in this chapter.

"(2) 'Member of the program' means a person appointed a commissioned officer in a reserve component of the armed forces who is enrolled in the Armed Forces Health Professions Scholarship program.

"(3) 'Course of study' means education received at an accredited college, university, or institution in medicine, dentistry, or other health profession, leading, respectively, to a degree related to the health professions as determined under regulations prescribed by the Secretary of Defense.

"§ 2121. Establishment

"(a) For the purpose of obtaining adequate numbers of commissioned officers on active duty who are qualified in the various health professions, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, may establish and maintain a health professions scholarship program for his department.

"(b) The program shall consist of courses of study in designated health professions, with obligatory periods of military training.

Participants.

"(c) Persons participating in the program shall be commissioned officers in reserve components of the armed forces. Members of the program shall serve on active duty in pay grade O–1 with full pay and allowances of that grade for a period of 45 days during each year of participation in the program. They shall be detailed as students at accredited civilian institutions, located in the United States or Puerto Rico, for the purpose of acquiring knowledge or training in a designated health profession. In addition, members of the program shall, under regulations prescribed by the Secretary of Defense, receive military and professional training and instruction.

37 USC 203 note.

Compensation.

"(d) Except when serving on active duty pursuant to subsection (c), a member of the program shall be entitled to a stipend at the rate of $400 per month.

"§ 2122. Eligibility for participation

"To be eligible for participation as a member of the program, a person must be a citizen of the United States and must—

"(1) be accepted for admission to, or enrolled in, an institution in a course of study, as that term is defined in section 2120(3) of this title;

Supra.

"(2) sign an agreement that unless sooner separated he will—

"(A) complete the educational phase of the program;

"(B) accept an appropriate reappointment or designation within his military service, if tendered, based upon his health profession, following satisfactory completion of the program;

"(C) participate in the intern program of his service if selected for such participation;

"(D) participate in the residency program of his service, if selected, or be released from active duty for the period required to undergo civilian residency if selected for such training; and

"(E) because of his sincere motivation and dedication to a career in the uniformed services, participate in military training while he is in the program, under regulations prescribed by the Secretary of Defense; and

"(3) meet the requirements for appointment as a commissioned officer.

"§ 2123. Members of the program: active duty obligation; failure to complete training; release from program

"(a) A member of the program incurs an active duty obligation. The amount of his obligation shall be determined under regulations prescribed by the Secretary of Defense, but those regulations may not provide for a period of obligation of less than one year for each year of participation in the program.

"(b) A period of time spent in military intern or residency training shall not be creditable in satisfying an active duty obligation imposed by this section.

"(c) A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by this section.

"(d) The Secretary of a military department, under regulations prescribed by the Secretary of Defense, may relieve a member of the program who is dropped from the program from any active duty obligation imposed by this section, but such relief shall not relieve him from any military obligation imposed by any other law.

"(e) Any member of the program relieved of his active duty obligation under this chapter before the completion of such obligation may, under regulations prescribed by the Secretary of Defense, be assigned to an area of health manpower shortage designated by the Secretary of Health, Education, and Welfare for a period equal to the period of obligation from which he was relieved.

"§ 2124. Members of the program: numbers appointed

"The number of persons who may be designated as members of the program for training in each health profession shall be as prescribed by the Secretary of Defense, except that the total number of persons so designated in all of the programs authorized by this chapter shall not, at any time, exceed 5,000. Limitation.

"§ 2125. Members of the program: exclusion from authorized strengths

"Notwithstanding any other provision of law, members of the program shall not be counted against any prescribed military strengths.

"§ 2126. Members of the program: service credit

"Service performed while a member of the program shall not be counted—

"(1) in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program; or

"(2) in computing years of service creditable under section 205, other than subsection (a) (7) and (8), of title 37. 76 Stat. 458.

"§ 2127. Contracts for scholarships: payments

"(a) The Secretary of Defense may provide for the payment of all educational expenses incurred by a member of the program, including tuition, fees, books, and laboratory expenses. Such payments, however, shall be limited to those educational expenses normally incurred by students at the institution and in the health profession concerned who are not members of the program. Limitation.

"(b) The Secretary of Defense may contract with an accredited civilian educational institution for the payment of tuition and other educational expenses of members of the program authorized by this chapter. Payment to such institutions may be made without regard to section 3648 of the Revised Statutes (31 U.S.C. 529).

"(c) Payments made under subsection (b) shall not cover any expenses other than those covered by subsection (a).

Additional payments.

"(d) When the Secretary of Defense determines, under regulations prescribed by the Secretary of Health, Education, and Welfare, that an accredited civilian educational institution has increased its total enrollment for the sole purpose of accepting members of the program covered by this chapter, he may provide under a contract with such an institution for additional payments to cover the portion of the increased costs of the additional enrollment which are not covered by the institution's normal tuition and fees."

(b) The table of chapters at the beginning of subtitle A and at the beginning of part III of such subtitle of title 10, United States Code, are each amended by adding

"104. Uniformed Services University of Health Sciences..... 2112
"105. Armed Forces Health Professions Scholarship Program..... 2120"

immediately below

"103. Senior Reserve Officers' Training Corps..... 2101".

Approved September 21, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 92-524 (Comm. on Armed Services) and No. 92-1350 (Comm. of Conference).
SENATE REPORT No. 92-827 (Comm. on Armed Services).
CONGRESSIONAL RECORD:
Vol. 117 (1971): Nov. 2, 3, considered and passed House.
Vol. 118 (1972): June 6, considered and passed Senate, amended.
June 7, Senate made technical corrections to Senate amendment.
Sept. 6, Senate agreed to conference report.
Sept. 7, House agreed to conference report.

GPO 83-139